

JCS44 U.S. PTO
01/20/98

PATENT
454312-2420

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Alan G. Barbour and Catherine J. Luke
Filed : January 19, 1996
For : COMPOSITIONS AND METHODS FOR
ADMINISTERING BORRELIA
BURGDORFERI ANTIGENS
Examiner : H. Sidberry
Group Art Unit : 1802

RECEIVED

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GROUP 1800

745 Fifth Avenue
New York, New York 10151

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Assistant Commissioner for Patents,
Washington, D.C. 20231. on 16 Jan 98

THOMAS J. KOWALSKI, Reg. No. 37,147

Name of Applicant, Assignee or Registered
Representative

Thomas J. Kowalski

Date of Signature 16 Jan 98

DECLARATION

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

ALAN G. BARBOUR and CATHERINE J. LUKE declare and say
that:

1. We are the named inventors on the above-captioned
patent application; and, Alan G. Barbour is a named inventor on
U.S. application Serial No. 08/375,993, now U.S. Patent No.
5,688,512 ("the 512 patent"), and U.S. Patent No. 5,523,089 ("the

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'089 patent"), which we are advised and therefore believe are employed in rejections of this application.

2. We state unequivocally that we conceived and invented the subject matter disclosed in the '089 patent and the '512 patent relied upon in the rejections in the present application based upon those patents. Accordingly, we are also advised and therefore believe that the inventive entity of those patents should not be considered "another" as to the inventive entity of the present application. We are also advised and therefore believe that subject matter disclosed in those patents common to the present application should not be considered prior art with respect to the present application. We do note that the foregoing is without prejudice to asserting patentable distinctness from those patents, or any equivalent thereto, either in the present application or in any equivalent thereto.

3. Accordingly, reconsideration and withdrawal of rejections based on the '089 patent and the '512 patent are respectfully requested.

4. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the *United States Code and that such willful, false statements may

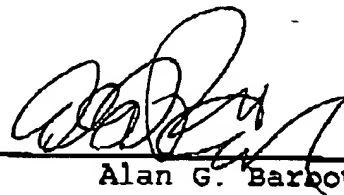
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jeopardize the validity of the application or any patent issuing thereon.

Date:

1/14/98

Signed:



Alan G. Barbour

Date:

Signed:

Catherine J. Luke